

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Board of Trustees of the Public  
School Teachers' Pension and  
Retirement Fund of Chicago,

No. 04-CV-12378-RCL

Appellant-Creditor,

On appeal from the Bankruptcy  
Court, Case No. 03-14530 (Ch.7),  
Hon. Joan N. Feeney, presiding.

v.

Phillip Hyde,

Appellee-Debtor.

**FUND'S MOTION FOR LEAVE TO FILE *INSTANTER* THE ATTACHED  
(SHORT) REPLY TO DEBTOR'S OPPOSITION TO  
FUND'S MOTION TO FILE OVERSIZED BRIEF**

Appellant Board of Trustees of the Public School Teachers' Pension and Retirement Fund of Chicago (the "Fund"), through counsel, moves the Court pursuant to Rule 7.1(b)(3) of the Local Rules of the United States District Court for the District of Massachusetts ("LR") for leave to file *instanter* the attached (short) reply to the opposition of Phillip Hyde ("Debtor") to the Fund's motion to file an oversized brief.

The Fund states in support:

1. The Fund filed this appeal from a final order of the U.S. Bankruptcy Court for the District of Massachusetts, 28 U.S.C. § 158(a), and an election to proceed before the District Court under 28 U.S.C. § 158(c)(1), on September 21, 2004.
2. On November 11, 2004, the Fund filed a Motion to File Oversized Brief pursuant to LR 7.1(b)(4) and 203, and Fed.R.Bankr.P. 8010(c).

3. The Fund filed its opening brief ("Appellant's Brief") on November 29, 2004, in accordance with the November 10, 2004 Order setting a briefing schedule.

(**Note:** Because the Order set November 25 as the Fund's due-date, and the District Court was closed on both Thursday, November 25 and Friday, November 26, for the Thanksgiving Holiday, the Fund's due-date defaulted to Monday, November 29.)

4. Though not yet reflected on the District Court's docket, the Fund received on November 29, 2004, Debtor's Opposition to Motion to File Oversize *[sic]* Brief

5. The Fund seeks leave to file *instanter* the attached short reply explaining why Debtor's opposition should be rejected.

6. If the Court should deny the Fund's Motion to File Oversized Brief, the Fund requests an extension of time in which to file an opening brief in compliance with the page limit otherwise allowed.

**WHEREFORE**, the Fund requests that the Court grant its motion and accept for filing *instanter* the attached reply. However, if the Court denies the Fund's Motion to File Oversized Brief, the Fund requests an extension of time in which to file an opening brief in compliance with the page limit otherwise allowed.

Respectfully submitted,

Dated: November 29, 2004

/s/ Kathleen A. Rahbany  
William R. Moorman, Jr. (BBO # 48593)  
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-and-

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CERTIFICATE OF SERVICE

I, Kathleen A. Rahbany, hereby certify that on November 29, 2004 I caused a copy of the above document to be served by hand on:

Richard L. Blumenthal  
Silverman & Kudisch  
1320 Centre Street  
Suite 203  
Boston, MA 02459.

/s/ Kathleen A. Rahbany

Kathleen A. Rahbany \_\_\_\_\_